

UNITED STATES DISTRICT COURT
DISTRICT COURT OF NEW JERSEY

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<p>JAMES WRIGHT,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-against-</p> <p>THE HARTFORD BENEFIT MANAGEMENT SERVICES; GDB CLAIMS AND SERVICES OPERATIONS; ABC 1-10 (that being the names of the corporate entities, companies, partnership or individuals intended),</p> <p style="text-align: center;">Defendants.</p>	<p>Civil No.: 2:11-cv-00602 Hon. Stanley R. Chesler, U.S.D.J. Hon. Michael A. Shipp, U.S.M.J.</p> <p><u>DECLARATION OF BRUCE LUDDY</u></p>

BRUCE LUDDY, pursuant to 28 U.S.C. §1746(2), declares under penalty of perjury the following:

1. I am the Director of Litigation and Appeals for Hartford Life and Accident Insurance Company (hereinafter "Hartford") and have held that position since 2005. As part of my duties in this position, I am responsible for supervising the claims staff who decide appeals of denied disability benefit claims. Prior to that time, I was the Assistant Director of Litigation and Appeals since 1998. I am fully familiar with the claims and appeals policies and procedures Hartford employed in 2007 through 2010 when James Wright's ("Wright") claim was being evaluated. As such I am fully familiar with the facts and circumstances contained herein. I submit this Declaration in connection with Hartford's Motion for Summary Judgment.

2. During Hartford's review of Wright's claim for continuing long-term disability ("LTD") benefits under the JPMorgan Chase Group Long Term Disability Plan ("the Plan"), the denial of the claim for continuing LTD benefits was recommended by an Investigative Analyst and approved by a Claim Specialist, both of whom are or were members of the claims department, and the administrative appeal was decided by an Appeals Specialist who is or was a member of the appeals unit.

3. Hartford maintains a separate Appeals Unit for the consideration of claims that have been denied by the claims department on its initial review.

4. Each Appeals Specialist in Hartford's Appeals Unit is charged with making an independent assessment of the adverse claim decision based on the relevant provisions in the governing LTD Plan/policy and upon all of the evidence contained in the claim file.

5. During the Appeals Specialist's review of a denied claim on administrative appeal, the individual responsible for the appeal does not discuss the merits of the claim with the Investigative Analyst who made the initial benefits determination, or the Claim Specialist who approved the determination.

6. In evaluating claims under employee benefit plans insured by Hartford, it is Hartford's practice and intention to review such claims fairly, without regard to the manner in which the plan is funded, and to consistently award benefits on claims that are entitled to payment pursuant to the provisions of the applicable benefit plan while consistently denying claims that are not entitled to such payments. Hartford administers claims in substantially the same manner whether it is doing so under a fully insured policy or pursuant to an administrative services only agreement.

7. Hartford recognizes that awarding benefits on claims that are not entitled to such payments pursuant to the terms of the applicable plan/policy does not benefit all of the persons insured under that plan/policy as a group. Instead, such payments could result in increased premiums and/or a reduction or elimination of benefits by the employer, which will ultimately work to the detriment of all participants and beneficiaries of a given plan.

8. Hartford has not provided its Investigative Analysts, Claim Specialists or Appeals Specialists with any incentives, remuneration, bonuses, awards, achievements, or other recognition based in whole or in part upon the denial or termination of claims. Hartford's claims decision-makers are paid fixed salaries and performance bonuses that are wholly unrelated to the number of claims paid or claims denied.

9. Hartford's Investigative Analysts, Claim Specialists and Appeals Specialists are evaluated on the quality and accuracy of their claims decisions in accordance with the applicable plan/policy documents.

10. Hartford does not discourage its claim decision-makers from paying legitimate claims.

11. Hartford's Investigative Analysts, Claim Specialists and Appeals Specialists are not involved in Hartford's financial decisions, including, but not limited to, any review or analysis of Hartford's financial performance, or the financial performance or claims experience of any particular disability plan insured by Hartford.

12. Hartford's claims department and Appeals Unit are completely separate business units from the financial and underwriting departments.


13. Neither the claims department nor the Appeals Unit seeks approval from Hartford's financial underwriters in connection with their decision-making on claims for disability benefits.

14. Hartford's financial and underwriting departments do not advise or influence the claims department or Appeals Unit with respect to the denial or termination of a claimant's benefits. Indeed, these units are kept separate from each other.

15. The office of the Chief Financial Officer of Hartford, and its affiliate, subsidiary or parent companies, do not have any involvement and do not participate in claims decisions on disability benefits at any level.

Dated: November 7, 2011

I declare under penalty of perjury that the foregoing is true and correct.


BRUCE LUDDY

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Hartford Life and Accident Insurance Company s/h/a
The Hartford Benefit Management Services and
GDB Claims and Services Operations

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JAMES WRIGHT, Plaintiff, -against- THE HARTFORD BENEFIT MANAGEMENT SERVICES; GDB CLAIMS AND SERVICES OPERATIONS; ABC 1-10 (that being the names of the corporate entities, companies, partnership or individuals intended), Defendants.	Civil No.: 2:11-cv-00602 Hon. Stanley R. Chesler, U.S.D.J. Hon. Michael A. Shipp, U.S.M.J. PROOF OF MAILING
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1. I, Daniel M. Meier, am an associate with the law firm of Sedgwick LLP, attorneys for HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY s/h/a THE HARTFORD BENEFIT MANAGEMENT SERVICES and GDB CLAIMS AND SERVICES OPERATIONS.

2. I hereby certify that I mailed a sealed package with postage pre-paid, via regular mail addressed to:

Kevin T. Kutyla, Esq.
83 Spring Street
Newton, NJ 07860
(973) 940-8970
Attorney for Plaintiff

3. This package contained a copy of the Declaration of Bruce Luddy, which was filed with the court via ECF.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: November 28, 2011

s/ Daniel M. Meier

Daniel M. Meier, Esq. (DM- 041942006)